

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

122

CRM-M-2208-2021

Date of decision : 04.03.2021

Maninder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. P.S. Walia, Asstt. A.G. Punjab
for respondent No.1-State.

Rupender Singh Rana, Advocate
for respondent No.2 and 3.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner-**Maninder Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.144 dated 02.11.2020 registered under Sections 465, 467, 468, 469, 471 and 177 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Amloh, District Fatehgarh Sahib (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) effected with respondent No.2-**Vishal Goyal**.

Briefly stated, the above said FIR was registered on complaint of respondent No.2-Vishal Goyal. Complainant-Vishal Goyal (respondent No.2) alleged in his complaint that he is proprietor of M/s

Ram Steet Rolling Mills (respondent No.3). Accused-Maninder Singh (the petitioner) is proprietor of M/s Gahir Metal Industries and he used to purchase goods from him on credit. Amount of Rs.15,87,332/- is due against accused-Maninder Singh. When the complainant demanded payment of the amount due, accused-Maninder Singh refused to pay the same. The accused never made any cash payment to the complainant nor the complainant issued him any receipt. However, the accused forged 30-40 fake receipts and put fake signatures of the complainant on the fake letter pad with a motive to cause loss to the complainant. The accused also threatened the complainant that if he demanded his money back, he would eliminate him.

The petitioner has filed the present petition for quashing of the FIR on the grounds that the parties have settled the matter and decided to put an end to litigation between them and live in peace.

Vide order dated 18.02.2021, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 25.02.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before 04.03.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate First Class, Amloh has recorded the statements of both the parties and submitted report dated 26.02.2021. The relevant part of the same reads as under:-

“2. It is further respectfully submitted that on 25.02.2021 accused Maninder Singh and complainant Vishal Goyal appeared before the undersigned, for

recording their statements and got recorded their statements regarding the compromise effected between them. The statement of Investigating Officer of this case was recorded on 26.02.2021.

3. *The complainant Vishal Goyal (duly identified by the counsel) has got recorded his statement that FIR no.144 of 02.11.2020 U/S 465, 467, 468, 469, 471, 177, 201 of IPC, PS Amloh, was registered against accused Maninder Singh on his statement. Now with the intervention of respectables, a compromise has been effected with the accused Maninder Singh. He further stated that the said compromise was reduced into writing at his instance as well as the instance of the accused, which is true, genuine, voluntary and without any coercion or undue influence. He has stated that he identified his signatures on the same and copy of the same is Ex.PX and he has no objection if the above said FIR and the above said consequential proceedings are quashed as a whole against accused Maninder Singh in view of the compromise.*

4. *Accused Maninder Singh (duly identified by his counsel) has got recorded his statement that FIR no.144 of 02.11.2020, under sections 465, 467, 468, 469, 471, 177, 201 of IPC, PS Amloh, was registered against him on the statement of Vishal Goyal. He stated that now with the intervention of respectables, compromise was got effected between the parties, which is genuine, voluntary and without any coercion or undue influence. He has stated that he identified his signatures on the same and copy of the same is Ex.PS. He also stated that he is not involved in any other criminal case and the above said FIR along with all the subsequent proceedings may be quashed against him in view of the compromise.*

5. *ASI Rajinder Singh, Investigating Officer of the present case has suffered a statement that apart from accused Maninder Singh, no other person has been arrayed as accused in the present FIR. He stated that Vishal Goyal is the only victim/complainant in the present case. No accused is declared as Proclaimed Offender in the present case and accused Maninder Singh is not involved in any other case.*

6. *It is further humbly submitted that:-*

- (i) There is only one person namely Maninder Singh, who is arrayed as an accused in the FIR in question.*
- (ii) No accused is declared as Proclaimed Offender in the present case.*
- (iii) From the statements of the parties, it seems that the compromise between the complainant Vishal Goyal and accused Maninder Singh is voluntary and genuine and without any coercion or undue*

influence.

- (iv) As per the statements of the accused Maninder Singh and Investigating Officer recorded in the court, accused Maninder Singh is not involved in any other case.*
- (v) The case is presently pending before this Court for awaiting of the challan against the accused.*
- (vi) As per the statement of the Investigating Officer recorded in the court, there is only one victim/complainant namely Vishal Goyal in the present FIR.*

The complainant Vishal Goyal has no objection if the above said FIR and the above said consequential proceedings are quashed against the accused Maninder Singh in view of the compromise entered into between the parties.”

The petition has been opposed by respondent No.1-State.

However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondents No.2 and 3 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those

prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to *Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482*, *State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255* and *Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052*.

A perusal of the report of learned Judicial Magistrate First Class, Amloh clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

The offences involved in the present case are overwhelmingly and predominantly of private character and do not have any social impact. The parties have resolved their entire dispute. The compromise has been arrived at between the parties at the initial stage. In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is remote and bleak and continuation of this case will put the petitioners to great oppression and extreme injustice would be caused to the petitioners if the FIR and all consequential proceedings are not quashed.

Therefore, FIR No.144 dated 02.11.2020 registered under Sections 465, 467, 468, 469, 471 and 177 of the IPC in Police Station Amloh, District Fatehgarh Sahib (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

04.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No